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13. Any Court trying a contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any iron and steel in respect of which the Court is satisfied that this Order has been contravened shall be forfeited to His Majesty.

THE SECOND SCHEDULE.

(*See Clause* 3).

Iron and Steel to which the Order applies :—

Pig Iron
Ingots, blooms, billets, tin bars, sheet bars, and slabs
Steel castings
Heavy structurals (including heavy sections of joists, channels and angles)
Light structurals (including light sections of joists, channels, angles, tools and light rails of 30 lbs. and/under).
Tyres, heels and axles
Shell steel ingots, blooms, billets and bars
Heavy rails (over 30 lbs.), fish plates, dog spikes, chair spikes, screw spikes
Tinplate, Torneplate
Black sheets (plain and corrugated)
Galvanised sheets (plain and corrugated)
Plates (shipbuilding)
Plates (ordinary mild steel and tensile)
Plates (bullet proof)
Bars (including flats, squares, rounds, hexagons and rods)
Bolts, (including Fish Bolts), nuts and rivets
Black or Galvanised Wire, whether plain or barbed
Wire Nails
Wire (Miscellaneous)
Hoops and Strip
Spring Steel in any unfabricated or semi-fabricated form
Tool Steel in any unfabricated or semi-fabricated form
Wrought iron pressure pipes and tubes, steel pressure pipes and tubes
Wrought iron fittings, malleable iron fittings and steel fittings
Coated or uncoated, excluding electrical conduit pipes
Cast Iron Pressure Pipes and Specials
Wire Ropes

GOVERNMENT OF INDIA.

DEPARTMENT OF SUPPLY.

New Delhi, 25*th February* 1943.

No. 221.—In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

IRON AND STEEL (SCRAP CONTROL) ORDER, 1943.

1. *Short title, extent and commencement.*—(1) This Order may be called the Iron and Steel (Scrap Control) Order, 1943.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on the 1st March 1943.

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2. *Definitions.*—In this Order unless there is anything repugnant in the subject or context :—

(*a*) " Controlled Source " means :—

(i) a producer,

(ii) a Railway Administration,

(iii) any factory, local authority, scrap merchant or person declared by the Controller to be controlled source.

(*b*) " Controller " means the person appointed as Iron and Steel Controller under the Iron and Steel (Control of Production and Distribution) Order, 1941, and includes any person exercising upon authorisation by the Central Government all or any of the powers of a Controller, under this Order ;

(*c*) " Producer " means a person carrying on the business of manufacturing iron or steel ;

(*d*) " Factory " means a factory as defined in clause (i) of Section 2 of the Factories Act, 1934 (XXV of 1934), other than a factory managed by a producer or a Railway Administration ;

(*e*) " Local authority " shall have the meaning assigned to it by sub-section (28) of Section 3 of the General Clauses Act, 1897 (X of 1897) ;

(*f*) " Scrap " means all iron or steel material which is commonly known as scrap and includes defective iron or steel material whether it is suitable only for re-rolling or re-melting or can be used for other purposes ;

(*ff*) A certificate signed by the Controller or any officer authorised by him in this behalf shall be conclusive proof that the material in respect of which the certificate is issued is " scrap " for the purpose of this Order ;

(*g*) " Scrap merchant " means a person other than a producer who carries on the business of acquiring, sorting and classifying scrap for disposal.

3. *Acquisition of scrap.*—No producer shall acquire or agree to acquire any scrap except under the authority of and in accordance with the conditions contained or incorporated in a written order of the Controller, and no person or authority other than a producer shall acquire or agree to acquire any scrap from a controlled source save under the authority of and in accordance with the conditions contained or incorporated in a written order of the Controller.

4. *Disposal of scrap.*—No person or authority having the management of a controlled source shall sell or otherwise dispose of any scrap save under the authority of and in accordance with the conditions contained or incorporated in a written order of the Controller.

5. *Carriers, warehousemen and servants.*—For the purpose of clauses 3 and 4 any acquisition by or disposal to a carrier, warehouseman or servant acting in the ordinary course of his business or employment as such of any scrap shall be deemed to be only an acquisition by or disposal to the person on whose bahalf or to whose order the carrier, warehouseman or servant so acquires that scrap ; and any acquisition from or disposal by a carrier, warehouseman or servant acting as aforesaid of any scrap shall be deemed to be only an acquisition from or disposal by the person on whose behalf or to whose order the carrier, warehouseman or servant so disposes of that scrap.

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5A. *Power to direct sale.*—The Controller may, by a written order, require any persons holding stock of scrap, acquired by him otherwise than in accordance with the provisions of Clause 3, to sell the whole or any part of the stock to such person or class of persons and on such terms and conditions as may be specified in the Order.

5B. *Power to prohibit removal.*—The Controller may order any controlled source, scrap merchant or any other persons not to remove or permit the removal of any scrap, whether sold or unsold, from his stockyard or from any other part of his premises to any place outside the precincts of such stockyard or premises, except with the written permission of the Controller.

5C. *Power of the Controller.*—The Controller may with a view to securing compliance with this Order,—

(*a*) require any person to give such information in his possession with respect to any business carried on by that or any other persons ;

(*b*) inspect or cause to be inspected any books or other documents belonging to or under the control of any person ;

(*c*) enter and search or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed, and any other article in the premises which he has reason to believe, has been or is intended to be used in connection with such contravention.

6. *Regulation of controlled sources.*—The Controller may from time to time issue directions to the person or authority having the management of any controlled source requiring him :—

(*a*) to keep such books, accounts, and records relating to his business as the Controller may specify in the direction ;

(*b*) to produce to such person as may be mentioned in the direction such accounts and other documents as the Controller may specify in the direction ;

(*c*) to furnish to the Controller such estimates, returns and other information relating to the business as may be mentioned in the direction ;

(*d*) to permit any person or persons of a class or description mentioned in the direction to enter and inspect with a view to securing compliance with this order any premises used for or in connection with the business.

(*e*) to sort the scrap in his possession from time to time in accordance with such classification as may be mentioned in the direction.

7. *Declarations, written orders and directions.*—(1) Declarations under clause 2(*a*) and directions under clause 6 shall be in writing and shall be delivered to the person or authority concerned personally or by registered post.

(2) Written orders under clause 3 or clause 4 may be made by the Controller on application or of his own motion and shall be delivered to the person or authority concerned personally or by registered post.

(3) The person or authority to whom a direction of written order is addressed shall comply with the same, and with any conditions contained or incorporated therein.

(4) When a written order is revoked by the Controller the person or authority to whom it was addressed shall forthwith return it to the Controller.

7A. (1) The Controller may by order in writing direct any controlled source or scrap merchant or other person holding stocks of scrap to maintain a list of the godowns and stockyards with the boundaries thereof, where scrap belonging to him is stocked, and to exhibit such list on his business premises. The Controller may in any such order give directions as to the manner in which the order is to be carried out.

(2) The Controller may, by notification in the Official Gazette, direct that every controlled source, scrap merchant or other person holding stocks of scrap when selling any scrap shall give to the purchaser a memorandum containing the particulars specified in such notification.

8. *Controller's power to fix prices.*—(1) The Controller shall from time to time with the approval of the Central Government publish by notification in the Official Gazette prices for different classes of scrap. Such prices may differ, for scrap obtainable from different persons and classes of persons, may specify buyers' and sellers' prices and may include allowances for contributions to any equalisation fund established by the Controller for equalising freight and other disadvantages.

(2) For the purpose of applying the prices notified under sub-clause (1) of this clause, the Controller may himself classify any scrap and may, if no appropriate price has been so notified, fix such price as he considers appropriate.

(3) When an accumulation of scrap contains heavy pieces which in the opinion of the Controller should be broken up before the scrap is disposed of, the Controller may direct the person or authority having the management of controlled source concerned to break up the scrap to a suitable size, and may, if his direction is not complied with reduce the price of the scrap so as to cover the cost to the purchaser of breaking it up.

(4) No person shall sell or offer to sell or otherwise dispose of, and no person shall acquire any scrap at prices in excess of those notified by the Controller under this clause.

9. Any Court trying a contravention of this Order, may, without prejudice to any other sentence which it may pass, direct that any Iron and Steel Scrap in respect of which the Court is satisfied that this Order has been contravened shall be forfeited to His Majesty.

(Corrected up to 31st March 1951).

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